

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**CIVIL APPELLATE JURISDICTION**  
**WRIT PETITION NO. 4693 OF 1994**

The Society of St.Peter School,  
Panchgani & anr.

... Petitioners

V/s

Mrs. Rosalind C. Joseph

... Respondent

Mrs. S.S.Gokhale for the petitioners.

None for the respondent.

**CORAM: SMT. NISHITA MHATRE, J.**

**DATED: 4TH SEPT., 2007.**

**ORAL JUDGMENT:**

1. This writ petition has been filed against the order of the Industrial Court dated 20.9.1994 as well as of the Labour Court dated 20.8.1993.

2. The Labour Court had held that the complaint filed by the respondent who was a non-teaching employee of the school, was maintainable under the M.R.T.U. & P.U.L.P. Act. The Labour Court then came to the conclusion that the petitioners had committed an unfair labour practice and directed them to pay to the workman Rs.25,000/- as compensation and to consider her in continuous service

and to pay her full back wages upto the date of the order. The Industrial Court in revision held that the decision of the Labour Court directing the payment of Rs.25,000/- as compensation was incorrect and directed that the respondent should be reinstated in service with continuity and full back wages. The writ petition challenging this order is admitted on 30.11.1994. It appears that the respondent approached the School Tribunal in Appeal No. 19 of 1994 for the same reliefs which were granted by the Labour Court and Industrial Court. The School Tribunal dismissed the appeal filed by the respondent on merits. Aggrieved by that order of the School Tribunal, the respondent filed Writ Petition No. 5762 of 1996. The writ petition has been rejected on 5th December, 1996 as the Division Bench of this Court found that no error has been committed by the School Tribunal in dismissing the appeal. The learned advocate for the petitioners states that the respondent challenged this order dated 5th December, 1996 by filing a Special Leave Petition before the Supreme Court. The Special Leave Petition has been dismissed on 14.8.1997.

3. The respondent, therefore, cannot challenge the order passed by the petitioners in two different fora. The challenge to the orders passed by the petitioners has been decided on merits by the Division Bench of this

Court and has been confirmed by the Supreme Court. Therefore, on merits, the respondent would have no case to challenge the same even under the Labour Legislation.

4. In view of the fact that the respondent has failed in challenging the order terminating her service on merits under the provisions of the M.E.P.S. Act, her challenge to the orders passed under the M.R.T.U. & P.U.L.P. Act cannot survive. The orders impugned in the writ petition are set aside.

5. Rule made absolute. No costs.

6. Writ petition disposed of accordingly.

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